

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 15, 2006
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:03 p.m. Council President Peters recessed the meeting at 3:12 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:18 p.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 5:20 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:25 p.m. with Council Member Madaffer not present. The meeting was adjourned by Council President Peters at 5:49 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-not present
 - (8) Council Member Hueso-present
- Clerk-Maland (gs)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES



[ITEM-10:](#) INVOCATION

Invocation was given by David Meyer of the Church of Scientology San Diego.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Hueso.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Daniel Garcia v. City of San Diego*
San Diego Superior Court Case No. GIC 844402

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 16, 2006

ACA assigned: E. Gordon

This matter involves a personal injury at Bob Kenney Field in Ocean Beach. The City Attorney requests that the City Council consider a possible settlement of the case in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:25 p.m.)

Council President Peters closed the hearing.

CS-2 *Insurance Company of the State of Pennsylvania vs. City of San Diego*
United States District Court Case No. 02-CV-0693

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 16, 2006

EACA assigned: D. McGrath

This matter relates to AIG insurance carriers bad faith in its duty to defend. In closed session the City Attorney will request the retention of Latham and Watkins and Levine Steinberg, et al. to prosecute bad faith cases.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:25 p.m.)

Council President Peters closed the hearing.

CS-3 *Border Business Park v. City of San Diego*

Appellate Case No. D039225; San Diego Superior Court Case No. GIC 692794

Otay Acquisitions v. City of San Diego

San Diego Superior Court Case No. GIC 753247

National Enterprises, Inc. v. City of San Diego

San Diego Superior Court Case Nos. GIC 791407; GIC 805465

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 16, 2006

EACA assigned: D. McGrath

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego regarding the Border Business Park in Otay Mesa. In closed session, the City Attorney will update the Council on the status of these matters and will discuss the need for authorization of additional funding for Latham & Watkins for the defense.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:25 p.m.)

Council President Peters closed the hearing.

CS-4 NOTE: This item has been taken off the docket.



[ITEM-200:](#) Fiscal Year 2007 Budget Hearings and Deliberations.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

HEARING HELD

Budget items that will be discussed include the Mayor, City Council, City Attorney, and Independent Budget Analyst's department budgets and other items deemed necessary by the City Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:24 p.m.;
2:25 p.m. – 3:11 p.m.;
3:19 p.m. – 5:19 p.m.;
5:26 p.m. – 5:47 p.m.)

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 7, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/16/2006	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/21/2006	139	Rules Committee review of ballot proposals
Monday	6/26/2006	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/10/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances

Monday	7/31/2006	99	Council adopts ordinances prepared by City Attorney
Friday	8/11/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/24/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

ITEM-251: Notice of Pending Final Map Approval - TR Produce.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "TR Produce" (T.M. No. 164827/PTS No. 80415), located on the north side of J Street between Eighty Avenue and Ninth Avenue in the Centre City Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:49 p.m. in honor of the memory of:

San Diego Police Officer David Moya as requested by Council Member Maienschein and Council President Pro Tem Young.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 5:47 p.m. – 5:49 p.m.)